

REMARKS

Summary of Office Action

On pages 2-5 of the Office Action, the Examiner issued a Restriction Requirement directed to claims 1-29 as follows:

- Group I: Claims 1-10, 21 and 27, drawn to recording evidence of consent by a voice recording system to a transaction involving a relying party and affirming party, wherein a transaction identifier is provide [sic] to the relying party, and this transaction identifier is transmitted by the relying party to the affirming party, classified in class 705, subclass 1.
- Group II: Claims 11-16, 22-23 and 28-29 drawn to recording consent to a transaction using a voice recording system, wherein a transaction identifier is received by both the relying party and the affirming party at the voice recording system. Claims 28-29 which are directed to computer readable medium positively claim that the transaction identifier from the affirming party is received by the voice recording system, whereas the method claims does [sic] not positively claim where the transaction identifier is received from. To expedite the prosecution of this application, examiner reads method claims to receive transaction identifier from the affirming party, classified in class 705, subclass 1.
- Group III: Claims 17 and 18, drawn to obtaining evidence of consent to a transaction involving a relying party and affirming party wherein the relying party associates a transaction identifier with a transaction, and, provides this transaction identifier to the affirming party classified in class 705, subclass 1.
- Group IV: Claims 19 and 20, drawn to a method for gathering evidence of assent to a proposition, wherein, an identifier is assigned to a proposition associating a party to the proposition, and this identifier is communicated to the party to enable the party to record a spoken declaration of assent to the proposition, classified in class 705, subclass 1.
- Group V: Claims 24-26, drawn to entering into a contract wherein a party receives a contract and instructions, communications between the party to the contract and the recording system is established; recording system provides recording identifier to the party, classified in class 705, subclass 1.

Moreover, on page 6 of the Office Action, the Examiner asserts that the application contains claims directed to the following patentably distinct species of the claimed invention:

For Group I:

Claims 3, 5 is performed over a telephone network;

Claims 4, 6 is performed over a computer network;

Claims 7, 10 is performed using electronic messaging;

Claim 9 is performed using paper document.

For Group II:

Claim 12, directed to transaction identifier is received during establishment of communications between the affirming party and the recording system.

Claim 13, directed to transaction identifier is received after establishment of communications between the affirming party and the recording system.

Claim 14 claiming dependency on claim 11, is directed to providing of recording identifier to the relying party.

Claim 15 claiming dependency on claim 11, is directed to providing the recording identifier to the affirming party.

Applicant's Reply

Applicants traverse the restriction requirement and respectfully request reconsideration and withdrawal of the requirement. However, in order to provide a complete response pursuant to 37 C.F.R. §1.143, applicants provisionally elect claims 11-16, 22-23 and 28-29 (Group II).

Before traversing the Examiner's restriction requirement, Applicants respectfully point out that this is the **third** restriction requirement entered for this application. There have been no changes or amendments to the claims since they were filed on March 14, 2001. It would be greatly appreciated if this is the last restriction requirement entered by the Examiner as Applicants are very interested in having prosecution on the merits begin on this application that was filed over five years ago.

Applicants first respectfully disagree with the Examiner's characterization of the claims in Group II, which consists of claims 11-16, 22-23, 28-29. The Examiner states that this group includes "... a transaction identifier . . . received by both the relying party and the affirming party at the voice recording system." Applicants respectfully submit that this is neither claimed nor described in the disclosure. The Examiner's description of Group II in the December 1, 2005 office action was more accurate.

Turning to the Examiner's reasons why the inventions are distinct, these largely repeat the examiner's rephrasing of the claims, which applicants respectfully point out contain errors. For example, the Examiner characterizes Group I as not "providing [] the recording identifier to the relying party." Applicants respectfully point out that this is incorrect as claim 1 specifies this as its last step. Also, the Examiner incorrectly states that Group I claims do not "provide[] [the] transaction identifier to the affirming party." Claims 1 and 27 both explicitly claim that the relying party does transmit the transaction identifier to the affirming party. Similar statements regarding the claims are included in the Examiner's characterization of the claims in Groups II-V, which applicants respectfully submit are incorrect.

Applicants respectfully submit that the claims of Groups I-V should be examined together as they share a relationship involving the recording of assent by a party to a transaction, proposition, or contract, and because it would not present an unreasonable task for, or place an undue burden on, the Examiner for searching purposes to examine the claims of Groups I-V together. For example, transaction identifiers are recited in both the claims of Group I and the claims of Group II. Moreover, while the claims of Group I do not require the relying party to associate the transaction identifier with the transaction, as the claims of Group II do, this distinction is not one that would place an undue burden on the Examiner for searching purposes. As another example, while the claims of Groups I, IV and V relate to the recording of consent to a transaction, proposition, and contract, respectively, these Groups should be examined together as this distinction would not place an undue burden on the Examiner for searching purposes.

Furthermore, to provide a complete response to the Office Action, with respect to the species election requirement set forth by the Examiner, applicants hereby provisionally elect, with traverse, claim 14. However, applicants respectfully contend that, given the commonality

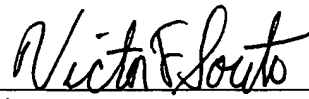
of the subject matter, an undue burden would not be placed on the Examiner to include each of claims 12-15 in the search.

Authorization

The Director is hereby authorized to charge any fees due, or credit any overpayment, in connection with this case to Deposit Account No. 08-0219.

Respectfully submitted,

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